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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

Elder Zacharias-Lopez,

Plaintiff

v.

Brian Williams et al.,

Defendants

Case No.: 2:12-cv-00548-JAD-GWF

**Order Denying Reconsideration**

This case arose out of plaintiff Elder Zacharias-Lopez's disciplinary hearings and related grievance proceedings, after he was accused of possessing a prison-made weapon while incarcerated at Nevada's Southern Desert Correctional Facility. I granted summary judgment in defendants' favor and a clerk's judgment has been entered in their favor.<sup>1</sup> Zacharias-Lopez now brings this motion for reconsideration—which the defendants oppose—urging me to find that his due-process rights were violated, particularly with regard to his right to call witnesses at his disciplinary hearing.<sup>2</sup> After carefully considering the record and law, I deny the request for reconsideration.<sup>3</sup>

**Discussion**

Motions for reconsideration are not expressly authorized by the Federal Rules of Civil Procedure, but courts may grant them under Rule 59(e).<sup>4</sup> Reconsideration is only warranted when: (1) the movant presents newly discovered evidence, (2) the district court committed clear error or the initial

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<sup>1</sup> Docs. 24–25.

<sup>2</sup> Docs. 67–68.

<sup>3</sup> Doc. 26. I find this motion appropriate for resolution without oral argument. LR 78-2. I also liberally construe all of Zacharias-Lopez's pro se motions and pleadings. *See Bernhardt v. L.A. Cnty.*, 339 F.3d 920, 925 (9th Cir. 2003).

<sup>4</sup> *See Sch. Dist. No. 1J, Multnomah Cnty. v. ACandS, Inc.*, 179 F.3d 656, 665 (9th Cir. 1999).

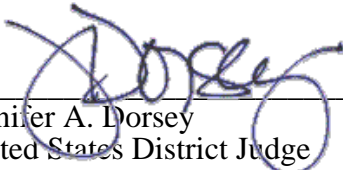
1 ruling was manifestly unjust, or (3) there is an intervening change in controlling law.<sup>5</sup> Although  
2 reconsideration may also be warranted in other highly unusual circumstances, it is well recognized as  
3 an “extraordinary remedy, to be used sparingly in the interests of finality and conservation of judicial  
4 resources.”<sup>6</sup>

5 Zacharias-Lopez asks for reconsideration of my order granting summary judgment, but as the  
6 defendants correctly observe, the arguments in Zacharias-Lopez’s motion reflect arguments that he  
7 already raised in his motion opposing summary judgment.<sup>7</sup> He presents no newly discovered  
8 evidence for reconsideration; does not show that my earlier order was clearly erroneous or  
9 manifestly unjust; and fails to establish, or indeed to even argue, that the controlling law has  
10 changed. I thus find no developments that would warrant reconsideration of the order the plaintiff  
11 now challenges.

12 Accordingly, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Zacharias-  
13 Lopez’s motion for reconsideration (**Doc. 26**) is **DENIED**. I continue to find that summary  
14 judgment was properly granted against Zacharias-Lopez and in favor of the defendants.

15 DATED December 19, 2014.

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Jennifer A. Dorsey  
United States District Judge

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<sup>5</sup> *Id.* (citing *All Haw. Tours, Corp. v. Polynesian Cultural Ctr.*, 116 F.R.D. 645, 648 (D. Haw. 1987)).

<sup>6</sup> *Carroll v. Nakatani*, 342 F.3d 934, 945 (9th Cir. 2007) (quoting 12 James Wm. Moore et al., *Moore’s Federal Practice* § 59.30[4] (3d ed. 2000)).

<sup>7</sup> Doc. 27 (defendants’ response to motion for reconsideration); Doc. 26 (plaintiff’s motion for reconsideration); Doc. 17 (plaintiff’s response to motion for summary judgment).